IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 73 of 2003 (M/B)

Prem Prakash Kalra S/o Late Sri Ram Rakkha,
Proprietor Gurunanak Trading Co.,
Beria Road, Bazpur,
District Udham Singh Nagar. ……. Petitioner

Versus

1. State of Uttaranchal,
   Through Upper Secretary,
   Cane Development & Sugar Industries,
   Uttaranchal Government,
   Civil Secretariat, Dehradun.
2. Assistant Cane Commissioner,
   Udham Singh Nagar.
3. The General Manager,
   Kisan Sahkari Chini Mills Ltd.,
   Sitarganj, Udham Singh Nagar.
4. Administrator / District Magistrate,
   Kisan Sahkari Chini Mills Ltd.,
   Sitarganj, Udham Singh Nagar.
5. M/s Inder Lal, Kichha,
   through its proprietor,
   District Udham Singh Nagar. ……... Respondents

Mr. S.K. Mandal, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the State of Uttaranchal.
Mr. M.C. Pandey, Advocate for respondent No. 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioner.

Mr. Subhash Upadhyaya, Standing Counsel for respondents Nos. 1, 2 and 4.

Mr. M.C. Pandey, Advocate for respondent No.3.

None for respondent No. 5.

They are heard.

2. Petitioner Prem Prakash Kalra has filed this writ petition for the following reliefs:

"I. Issue a writ order or direction in the nature of certiorari to quash the order 20.01.2003 (Annexure No. 12) passed by the respondent No. 2, to the writ petition.

II. Issue a writ order or direction in the nature of mandamus directing the respondent No. 1 to 4 to supply the Baigas equivalent to the respondent No. 5, without any technical objection.

III. Issue a suitable writ order or direction as this Hon'ble Court may be deem fit and proper in the circumstances of the case.

IV. Award the cost of the petition in favour of the petitioner."

3. Admittedly, the petitioner's contract with respondent No.3 was for the crushing season 2002-2003 only. As such, the reliefs sought by the petitioner in the writ petition cannot be granted now in the year 2006.

4. The petitioner, however, shall be at liberty to work out his other remedies before an appropriate forum for damages on account of the alleged loss suffered by the petitioner or refund of the balance amount, if any, lying with the respondents.

5. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
13.04.2006 **13.04.2006**

G